

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-61626-CIV-DIMITROULEAS

ASSEMGUL MUKHANBETZHANVA,

Plaintiff,

vs.

ZHANIYA DYUSSEMBAEVA
DANA DYUSSEMBAYEVA,

Defendants.

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**OMNIBUS ORDER APPROVING REPORT OF MAGISTRATE JUDGE;
DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO DISMISS FOR
LACK OF JURISDICTION AND TO QUASH DEFECTIVE SERVICE OF PROCESS;
REFERRING LIMITED JURISDICTIONAL DISCOVERY TO MAGISTRATE JUDGE**

THIS CAUSE is before the Court on Defendants Zhaniya Dyussembayeva and Dana Dyussembayeva (collectively, "Defendants")'s Motion to Dismiss for Lack of Jurisdiction and to Quash Defective Service of Process [DE 10], and the Report and Recommendation of United States Magistrate Judge Patrick M. Hunt (the "Report") [DE 15], dated November 1, 2022. The Court has conducted a *de novo* review of the Report [DE 15], Defendants' Limited Objection to Report and Recommendation [DE 16], and the record herein. The Court is otherwise fully advised in the premises.

A party seeking to challenge the findings in a report and recommendation of a United States Magistrate Judge must file "written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection." *Macort v. Prem, Inc.*, 208 F. App'x 781, 783 (11th Cir. 2006) (quoting *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989)). "It is critical that the objection be

sufficiently specific and not a general objection to the report.” *Macort*, 208 F. App’x at 784 (citing *Goney v. Clark*, 749 F.2d 5, 7 (3d Cir. 1984)). If a party makes a timely and specific objection to a finding in the report and recommendation, the district court must conduct a *de novo* review of the portions of the report to which objection is made. *Macort*, 208 F. App’x at 783-84; see also 28 U.S.C. § 636(b)(1). The district court may accept, reject, or modify in whole or in part, the findings or recommendations made by the Magistrate Judge. *Macort*, 208 F. App’x at 784; 28 U.S.C. § 636(b)(1). Accordingly, the Court has undertaken a *de novo* review of the record and the Limited Objection.


In the Report, the Magistrate Judge recommends that this Court enter an Order (i) denying without prejudice Defendants’ Motion to Dismiss for Lack of Jurisdiction and to Quash Defective Service of Process [DE 10]; and (ii) allowing Plaintiff to conduct limited jurisdiction discovery as to the citizenship, resident status, and domicile of Defendants. The Court, having conducted a *de novo* review of the entire file and record herein, agrees with the reasoning and conclusion of the Magistrate Judge. Further, Defendants Limited Objection, which asserts that jurisdictional discovery has not been sufficiently requested nor is it appropriate here, shall be overruled.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report [DE 15] is hereby **APPROVED**;
2. Defendants’ Limited Objection to Report and Recommendation [DE 16] is **OVERRULED**;
3. Defendants’ Motion to Dismiss for Lack of Jurisdiction and to Quash Defective Service of Process [DE 10] is **DENIED WITHOUT PREJUDICE**;

4. PURSUANT to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, this case is hereby referred to United States Magistrate Judge Patrick Hunt for limited jurisdictional discovery as to the citizenship, resident status, and domicile of Defendants, any motions arising from or relating thereto, an evidentiary hearing, if necessary, and appropriate disposition or report and recommendation.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 16th day of November, 2022.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies to:
Judge Hunt
Counsel of Record